

Report for:
ACTION/INFORMATION

Item Number:

Contains Confidential or Exempt Information	YES/NO YES (Part) No
Title	IRO annual report for Looked After Children report for years16/17
Responsible Officer(s)	Carolyn Fair , Director, Children and Families Services
Author(s)	Carol Yates, Operations Manager, LAC and Leaving Care
Portfolio(s)	Cllr Binda Rai, Children and Young People.
For Consideration By	Corporate Parent Committee
Date to be Considered	March 22 nd 2018
Implementation Date if Not Called In	
Affected Wards	None
Keywords/Index	

Purpose of Report:

This report serves to brief the committee on the processes and data in relation to the Statutory Reviews of looked after children in Ealing in 2016/1. It is a statutory requirement to provide an annual update on this process.

1. Recommendations

Members are invited to note this report and identify any additional information they would like to receive.

2. Reason for Decision and Options Considered

This report updates members on the issues in relation to the Statutory Reviews of Looked After Children.

3. Key Implications

N/A

4. Introduction

4 Statutory Basis of the Independent Reviewing Officers system

4.1 The statutory basis for the Independent Reviewing Officer arrangements is contained in Section 118, of the Adoption and Children Act 2002. This Act introduced the new statutory role of “Independent Reviewing Officer” (IRO), amending section 28 of the Children Act 1989. Under Section 118 local authorities were required by regulations to appoint Independent Reviewing Officers. IROs were required to:

- Participate in the review of children’s cases;
- Monitor the local authority’s function in respect of the review of the care plan;
- Refer a case to the Children and Families Court Advisory and Support Service (CAFCASS) if the failure to implement the care plan might be considered to breach the child’s human rights.

4.2 The Children and Young Persons Act 2008 expanded the role of the IRO from reviewing the child’s Care Plan to monitoring the child’s case on an on-going basis. New regulations (the Care Planning, Placement and Case Review Regulations) were issued in 2010 and these were accompanied by other statutory guidance including the ‘IRO Handbook’, which came into force in April 2011. All children in care including those on Adoption Plans or receiving Short Breaks are now covered by these regulations.

4.3 The core purpose of the IRO role is to ensure that the care plan for the child fully reflects the child’s needs and to ensure that each child’s wishes and feelings are given full and due consideration. The appointment by local authorities of an IRO is a legal requirement. In layman’s terms, IROs are responsible for reviewing the local authority’s care plan, ensuring that actions required to implement the care plan are carried out, that the outcomes are monitored and that the views of children and young people are considered at the review, and that there is no breach of human rights.

4.4 The IRO also has a duty to monitor the local authority’s overall performance as a corporate parent and to bring any areas of poor practice in the care and planning for looked after children to the attention of senior managers, and to consider whether it would be appropriate to refer cases to Cafcass.

4.5 The IRO handbook sets out how IROs should discharge their distinct responsibilities for looked after children. It also provides guidance to local authorities on their strategic and managerial responsibilities to establish an effective IRO service.

4.6 The Guidance states that the manager of the IRO service should provide an Annual Report to the lead Member with executive responsibility for children’s services, and for corporate parenting, in order to support the continuing development and review of the local strategy for children’s services. This document constitutes the IRO Annual Report for the year 1st April 2016 – 31st March 2017.

4.7 It is expected that the report will identify good practice and highlight issues for further development, including the views of looked after children.

5. Purpose of reviews

5.1 Every Looked After child has a named IRO who has independent oversight of

the child's case including:-

- Determining and representing the child's wishes and feelings
- Ensuring the child's rights and interests are protected
- Assessing whether the Local Authorities Care Plan for the child meets the assessed needs of the child
- Negotiating with the social work team and manager on any identified issues arising from the Care Plan or implementation of the Care Plan and where necessary escalating unresolved concerns to an appropriate level in the Local Authority's management structure, and/or if necessary to CAFCASS.
- Undertaking and recording mid-way checks with social workers and children to ensure that plans are in the process of being implemented.

5.2 The main forum through which the IRO carries out their monitoring role is the Statutory Looked After Review. These take place regularly at the following times:

- First review within 28 days of the child becoming LAC
- Second review within 90 days
- Subsequent reviews at 180 days intervals
- When a child or IRO asks for one
- When significant events occur, e.g. change of/or anticipated change of placement due to unforeseen circumstances.

5.3 The purpose of the review is to provide a formal framework, which is separate to the line management of the case within the local authority, in order to consider whether the plans for individual children meet their needs, and continue to be appropriate in the light of their current age and development.

5.7 The statutory LAC review provides an opportunity for an objective overview of the care plan to take place. The intention is for the review to be chaired by an experienced and qualified social worker, acting independently from the day-to-day decision-making and resource allocation process.

5.8 The role of the IRO was reviewed by the Family Justice Review which reported in November 2011. Their conclusions in connection with IROs were as follows:-

- The role of Independent Reviewing Officer (IRO) is important to local authorities and they would very likely recreate it were it removed from them. The priority should be to improve the quality of the function and ensure its effectiveness and visibility.
- There was a recommendation that local authorities should review the operation of their IRO service to ensure that it is effective. In particular they should ensure that they are adhering to guidance regarding case-loads.

6. Participation in reviews and young people's views

6.1 In 2015/16 97.6% children participated in their review. There has been an increase in 2016/17 to 99%. This has been in part a consequence of the ongoing work that was set out in the lac review plan to improve the quality of reviews.

6.2 There has also been a reduction in the length of time of reviews as a direct consequence of the LAC survey in 2016 undertaken by the children in care council and children and young people's feedback that the existing format was often too long.

7. The Independent Reviewing Process in Ealing

7.1 In February 2013, the House of Lords Committee on Adoption Legislation recommended that robust action should be taken to reduce IRO caseloads. Reflecting their concerns that IROs were not sufficiently independent, the committee also recommended that the government should implement Section 11 of the Children and Young Persons Act 2009, which enables IROs to be employed outside of the Local authority

7.2 IROs must, as a minimum requirement, be independent of the line management of the cases they are reviewing, particularly of the decision-making process about the allocation of resources to those cases. They are required to be qualified social workers, registered as such with the Health and Care Professional Council, and to have considerable experience of working with complex care cases, usually at the level of senior practitioner or team manager.

7.5 Ealing IROs are external, freelance experienced social workers, contracted through an independent agency - Aidhour. All IRO's are qualified and experienced above the minimum requirements. IROs have the required skills, training, knowledge and time to undertake all elements of their role effectively, including ensuring that children's wishes and feelings properly influence the plans for their future

7.6 Aidhour Ltd is a not for profit company that was set up in 1998 to provide independent chairs for Looked after Children reviews. Aidhour Ltd is not an employment agency. Aidhour Associates are self-employed, qualified, experienced freelance independent social workers who have held substantive senior supervisory and management posts in Local Authority Social Services Departments. All are required to be registered with the Health and Care Professional Council, with appropriate checks in place and are employed on a contractual basis, to undertake all reviews of the Looked After Children population. Each IRO undertakes an agreed number of reviews throughout the year. In line with guidance the work is monitored by the Assistant Director for Planning, Commissioning and Partnership, who has no responsibilities for direct care provision services, and is therefore independent of case management. All Children's Services and Safeguarding Strategic Managers act as advisers on practice matters relating to Looked After Children. Aidhour Ltd also monitor the work of their IROs directly to ensure that case work is undertaken to agreed deadlines.

7.7 The management of the IRO process can be broadly separated into the areas listed below:

- (i) Monitoring performance of both Children's and Safeguarding staff and IROs, in order to ensure that the system operates well.
- (ii) Communication and information sharing on the quality of work, and the extent to which the local authority's responsibilities towards Looked After Children are carried out. This includes issues of social work practice and care

planning so that the local authority is satisfied that its services can achieve best outcomes for the children concerned.

- (iii) Problem solving in relation to individual cases, so that individual concerns an IRO may have on the arrangements for a particular child may be raised and resolved with the social worker and other relevant staff directly. Where there is a difference in opinion these can be escalated to the Operations Manager and Assistant Director.
- (iv) Training – Access to LBE training courses has been offered to IROs on a no cost basis in order to ensure that Training is delivered at appropriate intervals and to LBE recognised standards. Training requirements will be both self-identified, and identified in Supervision. Aidhour also provides no-cost training to IROs.
- (v) Supervision –IROs have group supervision every two months. This affords time for training and case discussion. IROs also receive guidance from Aidhour Directors and the Ealing Safeguarding, Review & Quality Assurance Manager & Local Authority Designated Officer (LADO).

8. Ofsted

8.1 The Ofsted inspection of June 2016 noted that

“Most children live in settled, stable family placements, are seen regularly and are listened to. Care plans, which are informed by children’s wishes and feelings, are regularly reviewed. The vast majority of reviews are timely, with high levels of participation by children. Children are helped to understand their rights and know how to complain”.

“A group of strong, committed and experienced independent reviewing officers act as passionate advocates for children and, in most cases, offer appropriate challenge. The timeliness of reviews is good, as is the level of participation by children”.

In a small number of cases, the quality and timeliness of management challenge, including the challenge provided by independent reviewing officers, is not sufficiently rigorous or robust. On occasion, this has contributed to drift or delay. Additionally, life story work is not always timely, which makes it difficult for some children to understand their long-term plan or why they are in care”.

The local authority has taken action to address this. In October, last year, it organised a conference for social workers, foster carers and independent reviewing officers on the importance of life story work in preparing children for independence.

Life history work is now a cornerstone of the Brighter Futures model for looked after children. Workers are trained in level one and there is a rolling programme for level two Dyadic Developmental Practice DDP for the CONNECT Teams. This model encourages workers to respond to children’s complex issues by understanding and using that knowledge to inform practice and to support foster carers with strategies not just to manage behaviour but to repair the damage children have experienced. This work is supported by the team psychologists.

9. Monitoring Performance

- 9.1 As at 31st March 2017 there were a total 371 Looked After Children.
- 9.2 The percentage of reviews held on time at end of March 2017 was 99% and this figure compares favourably with the National Average.
- 9.3 The participation of children and young people in their reviews remains high at 99%. This figure includes young people contributing through communication with the IRO outside of the review meeting, communication using consultation forms and young people's views being represented by adults advocating on their behalf.
- 9.4 Statutory guidance stipulates that each local authority should establish a formal process, usually known as a dispute resolution protocol, for the IRO to raise concerns with managers
- 9.5 A problem-solving protocol exists to resolve disputes, which can arise between IROs and social workers about the care planning process itself, the implementation of care plans, and the role of the review and IRO in the care planning activity. The protocol has been activated during the year at the lower levels. Issues have been resolved through discussions with social workers, team managers and strategic managers. An improved protocol for IRO access to independent legal advice has been developed. This supplements case advice which has on occasion been provided anonymously via CAF/CASS. The dispute resolution protocol is currently subject to review. A better system for tracking the outcome of escalations and disputes forms part of this review.
- 9.6 The number of formal disputes that IROs had in relation to planning for children in 16/17 was 39. Of those 39 issues, 34 were resolved via the first stage of escalation. 1 was referred up to the next stage to the Operations Manager. All were resolved at this stage.
- 9.7 The issues for disputes arising were as follows:
- Siblings not wanting to move from current carer to a long-term placement.
 - Permanency planning issues
 - SW not having completed their review report within timescale
 - Placing a young person prior to education provision being sorted out
 - Placement move of young person impacting on education
 - Process for permanency for 14 plus unclear
 - Young person not wanting to move from semi independence to a different provider
 - Immigration issue re specialist legal advice for young person.

LAC Review Data	16/17
% of reviews held on time	99%
% of LAC communicating their views to their last review in the year	99%
Number of dispute resolution escalations to Team	39

Managers	
Number of Dispute Resolutions escalations to Operations Managers	5
Number of Dispute Resolutions escalations to Director	1

In 16/17 99% of reviews were held within statutory timescales. Those that fell outside of this time were all initial reviews and were out of timescale by less than 5 working days.

There were 39 escalations to Team Managers level which varied in content from Fwi episodes not being “Finished” by the Social Worker, enabling the next episode to be completed, to issues relating to tasks not being completed by the mid-way review.

The most significant issues were raised with the Operations Manager and related to care planning issues. There was 1 escalation to the Director re a dispute over the moving of siblings to their long term matched placement, where the children were stating that they did not want to move. The conclusion of this was that the children were moved but the plan was extended in order for therapeutic work to be undertaken with the children to support the transition.

9.8 In LBE there are a variety of QA/monitoring exercises which take place at regular intervals:

- There is a quarterly meeting chaired by Deputy Director and attended by 1x Assistant Director (LAC and CL) 2x Operations Mangers, 1x Head of Commissioning and 1x Contracts Manager in addition to 2x Directors of Aidhour. Attendees are listed as intention to reflect the high level of importance given to this meeting which has a standard agenda with opportunity for additions to agenda.
- Regular meetings with the Operations Manager (LAC and CL).
- Regular meetings with the Contracts Manager
- Annual internal and external monitoring formats are completed
- Any issues identified at reviews are escalated to Team Managers, Ops Manager and Contracts Manager regularly and actioned by appropriate Manager.
- Supervision of IROs by LB Ealing Managers.

10. Children and young people’s views

10.1 Here is an example of a young person's views that were discussed at her statutory review:

C completed her consultation form. She understands why she is in care and reported that it is important to 'talk about everything at the review'. C would like to see all her family members and mentioned her 'Nan' who she has been asking to see for some time. She wrote that everything is going well at school and she does not have any problems or incidents of bullying. C wrote that she feels confused, sad, angry and scared when I am doing homework and when I am seeing my family that I have not seen for a while, but that she is generally happy. C said 'of course' there are people I can talk to and that there is nothing she wanted to talk about except her wish to see her nan in hospital and go to her Aunty in Manchester and have unsupervised contact with her. C would like to go to the Chessington World of Adventures. She would also like to go to the cinema during half-term. V, her Social worker, agreed to take C and R to the cinema. (C aged 10)

For this young person, her views were acted upon and contact was arranged between her and her grandmother. She has received therapeutic support to cope with her overwhelming feelings relating to contact with other family members. Her carer has taken her to Chessington and her social worker took her to the cinema. Further exploration showed that the key times that she felt overwhelmed related to homework and contact. C has been provided with support with homework as well as support re contact issues to improve her sense of well-being.

10.2 View of other children and young people

- I feel part of my reviews...they can be the same issues again and again but I suppose they are important issues. (14)
- My IRO has been the same for a long time. They sometimes call to check I am ok. (16)
- My carer helps me at my review.... Sometimes I just wish I was at home. (7)
- I enjoy my reviews and my Chair helps to push forward what I need to be said not just what my social worker wants to talk about. (12)

11. Views of the IRO service

11.1 Overall the feedback from IRO's is very positive

A selection of feedback comments for 16/17 from reviewing officers are as follows:

- Brighter Futures as a model is very good and effective.
- SWs in LBE seem to genuinely have children's interests at heart. IROs have raised with manager's instances when children's needs have not been responded to in a timely way, and when they do this they receive a prompt response from managers. Most placements for children are good and well-supported. The closer working between the family placement and the social work teams evident in the new structure is evidencing a more joined up approach to children's needs.

- Managers in Ealing respond positively when concerns are raised to their level by the child's IRO, viewing the IRO contribution to case management as helpful.

12. Areas IRO's identified for further development:

1. The significant and rapid changes in care planning within the court service could be better communicated to IROs
2. Managers and SWs need to consistently ensure significant events or proposed changes to plans or not completing decisions in timescales agreed are communicated to the IROs.
3. ICS forms can be a barrier to good practice by SWs, for example the SW Report for Reviews, Care Plan, Placement Plan, etc. and further work is needed to improve this area.

13. Areas highlighted for improvement for 16/17 and the responses to those actions were as follows:

- **Care plans need to be SMART specific measurable and with clear timescales**

Both the IROs and Ofsted noted that Care plans were sometimes not specific enough with clear timescales for actions. Care plans are now being reviewed as part of group supervision 6 times per year. This ensures greater scrutiny and compliance and group input into care plan actions.

- **Communication by Social Workers of changes to plans**

There has been some improvement in speedier communication between Social Workers and IROs. CWD and Leaving Care Teams have been highlighted as good in this area. There is greater communication by CONNECT workers and Managers and this is an area developing within the Care Planning Service.

To promote good communication, Ealing Team Managers are regularly invited to the IRO Group Supervision. Midway monitoring by IROs between review meetings, provides an opportunity to identify unplanned changes to care plans and for these to be raised with both social workers and managers. IROs have and will continue to use the dispute resolution process when a change to a child's care plan takes place without proper consideration of the child's needs.

- **Improvement of transition plans of looked after children to adult's services**

There is now an ongoing meeting between adult's service and the Leaving Care service alongside a newly developed transition panel for Care Leavers in need of adult services.

- **Improvements of ICS forms**

Considerable work has been undertaken to review and revamp the ICS forms for LAC and leaving Care. This should reduce paperwork for social workers and provide additional risk assessment information. All of the technical work and revision has been completed and the anticipated roll out will be in April 2018.

Areas for further development for 2018/19

- Improved and speedier communication within the care planning service
- Embedding the new framework-I processes for lac and leaving care.
- An improved data collection system for escalations.
- An action plan has been developed to take this work forward.

14. Financial

a) Financial impact on the budget (mandatory)

No financial implications. The service is contained within existing budgets.

b) Financial background (optional)

15. Legal

N/A

16. Value for Money

17. Sustainability Impact Appraisal

None

18. Risk Management

None

19. Community Safety

None

20. Links to the 5 Priorities for the Borough

21. Equalities, Human Rights and Community Cohesion

Equality Impact is consistently reviewed and evaluated in terms of service delivery.

22. Staffing/Workforce and Accommodation implications:

To be determined

23. Property and Assets

No property implications

24. Any other implications:

To be determined

25. Consultation

N/A

26. Timetable for Implementation

27. Appendices

N/A

28. Background Information

Consultation (Mandatory)

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Marcella Phelan	Asst Director		13/03/2018	
Children in care council				
IRO's - Aidhour				
External				

Report History

Decision type:	Urgency item?
For information	No
Report no.:	Report author and contact for queries: Carol Yates Operations Manager lac and leaving care Extension: 6157
First and surname, job title	